

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Consumer Protection and Safety Division
Rail Transit Safety Section

Resolution ST-70
May 27, 2004

RESOLUTION

**RESOLUTION ST-70 GRANTING APPROVAL OF A REPORT ON THE 2003
SAFETY AUDIT OF THE SAN FRANCISCO BAY AREA RAPID TRANSIT
DISTRICT**

Summary

This resolution approves the Consumer Protection and Safety Division's (CPSD) Rail Transit Safety Section final audit report titled, "Triennial On-Site Safety Audit of Bay Area Rapid Transit," dated April 15, 2004. The Bay Area Rapid Transit District (BART) is ordered to implement the recommendations contained in the report and to provide quarterly progress reports to the Rail Transit Safety Section.

Background

Commission General Order No. 164-C, "Rules and Regulations Governing State Safety Oversight of Rail Fixed Guideway Systems" and Federal Transit Administration (FTA) Final Rule 49 CFR, Part 659, "State Safety Oversight of Rail Fixed Guideway Systems" require the Commission, as the designated state safety oversight agency for California, to conduct on-site safety reviews of transit agencies operating rail fixed guideway systems at least once every three years. Following the completion of each review, the Commission is required to issue a report containing its findings and recommendations. This report must also contain a determination of whether or not the transit agency's system safety program plan should be updated.

Staff of the Rail Transit Safety Section conducted an on-site safety audit of BART and its safety program beginning October 2 and concluding October 10, 2003. Staff conducted a post-audit exit conference with BART management on Friday, October 10, 2003.

The methods used to conduct the audit included:

- a. Interviews with BART employees at all levels from rank and file through senior executives;
- b. Reviews of design, construction, procurement, testing, training, operation and maintenance programs;
- c. Reviews of records and procedures;
- d. Observation of operations and maintenance activities and;
- e. Inspections of equipment and facilities;

A full description of the audit, including the scope, results, and recommendations, is contained in the final audit report, which is attached to this resolution as Attachment A.

The results of the audit show that BART is in substantial compliance with its System Safety Program. However, some program deficiencies were identified during the audit. These deficiencies, along with recommendations for corrective actions, are described, where applicable, in the Activities/Findings/Comments section of each checklist and in the Findings and Recommendations section contained in the body of the final report. A complete listing of recommendations for the correction of each identified deficiency is contained in the report's Appendix E.

Protests

Staff provided a preliminary report of the audit to BART for a 30-day review and comment period on March 5, 2004. On April 8, 2004, Staff met with BART's Safety Department, who accepted staff's twenty-two recommendations identified on the draft audit report.

Discussion

Attachment A, the final report concerning the "Triennial On-Site Safety Audit of Bay Area Rapid Transit," dated March 5, 2004, is based on staff's findings and includes staff's recommendations that were discussed with BART for appropriate corrective actions.

BART has stated to staff that it is working to develop corrective action plans for the deficiencies identified in the report and has initiated actions on some plans.

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BART will provide regular quarterly updates concerning the status of its corrective actions until they are completed.

CPSD recommends that the Commission approve the Rail Transit Safety Section's final audit report titled, "Triennial On-Site Safety Audit of Bay Area Rapid Transit," dated April 16, 2004. CPSD also recommends that the Commission order BART to:

- Submit a report to the Rail Transit Safety Section, which includes the status of the corrective actions for safety program deficiencies identified during the audit;
- Submit plans and schedules for implementing or completing the recommended corrective actions contained in the report;
- Implement the recommendations in accordance with the plans and schedules submitted, and;
- Provide the Rail Transit Safety Section with quarterly reports on the status of the corrective actions until they are completed and implemented.

Comments

Public Utilities Code section 311(g)(1) provides that this resolution must be served on all parties and subject to at least 30 days public review and comment prior to a vote of the Commission.

Resolution ST-70 was mailed to the Bay Area Rapid Transit District on April 27, 2004. No comments were received.

Therefore, IT IS ORDERED that:

1. The Consumer Protection and Safety Division's request for approval of the Rail Transit Safety Section's final audit report titled, "Triennial On-Site Safety Audit of Bay Area Rapid Transit," dated April 15, 2004, is granted.
2. BART shall submit to the Rail Transit Safety Section, plans and schedules for implementing all recommended corrective actions contained in the final audit report. Those plans and schedules shall be submitted no later than 45 days from the effective date of this resolution.

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3. BART shall complete and implement all recommended corrective actions contained in the report, in accordance with plans and schedules submitted to the Rail Transit Safety Section.
4. BART shall prepare and provide quarterly status reports beginning on July 15, 2004 to the Rail Transit Safety Section. The reports shall contain detailed information on the implementation of all remaining recommended corrective actions contained in the final audit report. Quarterly status reports shall continue to be provided until all recommended corrective actions are completed and implemented.
5. This resolution is effective today.

I certify that this resolution was adopted by the Public Utilities Commission at its regular meeting held on May 27, 2004. The following Commissioners voting favorably thereon:

/s/ WILLIAM AHERN

WILLIAM AHERN
Executive Director

MICHAEL R. PEEVEY
President
CARL W. WOOD
LORETTA M. LYNCH
GEOFFREY F. BROWN
SUSAN P. KENNEDY
Commissioners